



The Maryland Department of Juvenile Justice

Maryland Standards for Juvenile Detention Facilities

Appendices 1-5

Every child will become a self-sufficient productive adult.

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Bishop L. Robinson
Secretary

November 1, 2000

Appendices 1 - 5

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Appendix 1

RULES AND DISCIPLINE

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MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: Residential and Field Services

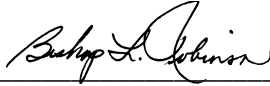
Policy Number: 03.14.04

Subject: Limits on Use of Restraints and Seclusion

Effective Date: 2/18/2000

(Supercedes and rescinds Policy dated January 23, 1990)

Approved: _____



Review Cycle: 1 Year

I. POLICY: The Department of Juvenile Justice is committed to maintaining a safe, secure, confined area to place youth whose behavior warrants special behavior management to protect them, staff and other youth. This policy describes the circumstances under which locked door seclusion and restraints may be used, and prohibits the use of such practices as punishment.

II. AUTHORITY: Annotated Code of Maryland, Article 83C, §§ 2-102; 2-104; 2-118; and COMAR 16.05.02

III. DEFINITIONS: In this policy, the following terms have the meanings indicated.

Abuse means:

1. The physical or mental injury of a youth by any employee under circumstances that indicate that the youth's health or welfare is harmed or at substantial risk of being harmed; or
2. Sexual abuse of a youth, whether or not physical injuries are sustained.

Department means the Department of Juvenile Justice.

Duty officer means the individual designated by the superintendent to make decisions during the superintendent's absence or when the superintendent is unavailable.

Employee means any Department employee or any volunteer providing direct or indirect services to youth in a facility.

Facility means a residential program operated and managed by the Department.

Locked door seclusion means the placement of a youth in locked-door isolation.

Restraint means a mechanical device or a chemical agent which, when used, limits movement of a youth's body or temporarily disables the youth.

Sexual abuse means any act that involves sexual molestation or exploitation of a youth by an employee and includes incest, rape, a sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

Superintendent means the individual who manages a facility, and includes program directors.

Youth means any individual under care in a facility.

IV. PROCEDURES:

A. Prohibition of Abuse. Acts of abuse at a facility are prohibited.

B. Use of Locked Door Seclusion.

1. A facility employee may not place a youth in locked door seclusion as punishment.
2. A facility employee may place a youth in locked door seclusion only if:
 - (a) Clearly necessary to prevent:
 - (i) imminent physical harm to the youth or other individuals;
 - (ii) imminent and substantial destruction of property; or
 - (iii) escape; and
 - (b) Less restrictive methods of behavior control have failed or cannot reasonably be implemented.
3. Facility employees shall ensure that a youth placed in locked door isolation:
 - (a) Does not possess belts, matches, weapons, or other objects or materials that might be used to inflict self-injury;
 - (b) Does not present imminent danger to self or others, is offered every 24 hours 1 hour of large muscle activity that takes place out-of-room and, weather permitting, out-of-doors; and
 - (c) Has all reasonable personal physical needs met, receives all scheduled meals and snacks on time, and is granted prompt access to bathroom facilities.
4. A facility employee shall monitor a youth in locked door seclusion by:
 - (a) Maintaining auditory contact with the youth at all times;
 - (b) Making visual contact with the youth every 10 minutes; and
 - (c) Recording each contact with the youth in a written log book.
5. Facility employees shall ensure that a room used for locked door seclusion shall be designed and constructed to safeguard the health, safety, and well-being of children and that the room has:
 - (a) An area of at least 60 square feet;
 - (b) A tamper-proof ceiling light fixture with a minimum of a 75 watt bulb;
 - (c) A door with a window that is impact-resistant, shatterproof, and mounted to allow inspection of the entire room; and
 - (d) Adequate ventilation.
6. In order for a youth to be held in locked door seclusion for longer than 30 minutes during a 12 hour period, the superintendent or the duty officer shall:
 - (a) Approve the locked door seclusion every 2 hours;
 - (b) Obtain for the youth an examination by a physician or nurse every 2 hours;

- (c) See the youth at least once during each 12-hour period.
- (d) Notify the youth's parent if the locked door seclusion continues for more than 8 hours; and
- (e) Remove the youth from seclusion after 72 hours, unless a declared written emergency is issued by the superintendent and approved by the Assistant Secretary for Residential Services.

7. A youth shall be released from locked door seclusion when the youth no longer fits the criteria for placement in locked door seclusion.

C. Use of Restraints.

1. A facility employee may not apply any restraint to a youth as punishment.
2. A facility employee may apply restraints to a youth only for:
 - (a) The protection of the youth or other individuals;
 - (b) Secure transportation; or
 - (c) The prevention of escape.
3. A facility employee may not use restraint in any manner that causes a youth physical pain or undue anxiety.

D. Facility Policy.

1. Use by an employee of locked door seclusion or restraint shall be governed by a written policy applicable to the facility.
2. A facility's policy shall address a youth's right to:
 - (a) A hearing before an impartial hearing officer;
 - (b) Advance written notice of the:
 - (i) Date, time, and location of the hearing, and
 - (ii) Availability and name of a child advocate;
 - (c) Be heard and present witnesses;
 - (d) Confront adverse witnesses;
 - (e) Appeal the decision; and
 - (f) Expungement of the records from the youth's file if the youth prevails at the hearing.
3. A facility's policy, based upon the facility's physical structure and personnel, shall describe the:
 - (a) permissible locations for locked door seclusion;
 - (b) procedures for monitoring and supervision of youth in locked door seclusion or restraints;
 - (c) services or treatment considered appropriate as a result of a youth's conduct;
 - (d) process for releasing a youth from locked door seclusion or restraints and the immediate review of the use of restraints;
 - (e) type of restraints authorized for the facility;
 - (f) criteria for the use of each type of restraint and the staff authorized to approve and to use each type; and
 - (g) procedures for documentation of each use of restraint or locked door seclusion.

4. The superintendent shall ensure that facility staff are trained in the proper use of restraint and that each employee receives such training annually.

Appendix 2

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

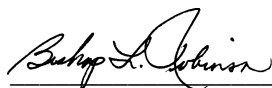
Unit or Area: DJJ

Policy Number: 01.01.13

Subject: Reporting and Investigating Child Abuse and Neglect

Effective Date: 2/18/2000
(Rescinds 10/1/94 policy)

Approved: _____



Review Cycle: 1 Year

- I. POLICY:** The purpose of this policy is to ensure the safety of youth in the care of the Department of Juvenile Justice (DJJ). The policy sets forth the procedures to be followed in reporting and investigating cases of suspected child abuse or neglect.

The guiding principles of this policy are as follows:

- A. To insure that youth under the care of the Department of Juvenile Justice are protected from abuse or neglect it is required that every employee report any suspected abuse or neglect, both orally and in writing, to the proper authorities. This includes suspected abuse or neglect committed while the child is in or on weekend pass or other authorized leave from a DJJ operated, non-DJJ publicly operated, or purchase of care residential facility, as well as child on probation, aftercare, or under intake supervision.
- B. There shall be a timely investigation by the appropriate authorities of each suspected incident of abuse or neglect.
- C. Action may not be taken against any employee for filing a good faith report of suspected abuse or neglect.
- D. The identity of the reporter shall be protected from disclosure to all persons except those having a need to know in order to participate in any investigation, consistent with the conditions of this policy.

- II. AUTHORITY:** Annotated Code of Maryland, Article 27, § 35C; Article 83C, § 2-118; Family Law Article, §§ 5-701, *et seq.*; COMAR 07.02.07; and COMAR 16.05.02.02.

- III. DEFINITIONS:** In this policy, the following terms have the meanings indicated:

Administrator means as follows:

If the child is in a DJJ institution, youth center, detention center, holdover facility, or DJJ community residential program--the chief administrator of the facility. If the child is in a purchase of care or non-DJJ publicly operated community residential placement, a purchase of services, or DJJ day program, or under intake supervision or on probation, or aftercare--the Area Director of the region in which the incident is alleged to have occurred, or in his/her absence, the Acting Area Director. If a DJJ headquarters employee is the suspected abuser--the Assistant Secretary under whom the employee works or, in his/her absence, the DJJ Inspector General.

Child means any individual under the age of 18 years.

Child Abuse means the physical or mental injury of a child by any parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or sexual abuse of a child, whether physical injuries are sustained or not.

Employee means any DJJ, purchase of care/services, or non-DJJ publicly operated program employee, contractual or agency worker, or volunteer, in a program providing services to DJJ youth.

Law Enforcement Agency means a State, county, or municipal police department, bureau, or agency, and includes a sheriff's office, State's Attorney's office, and the Attorney General's office. For youth suspected of having been abused while at a DJJ operated facility, appropriate law enforcement agency refers to the Maryland State Police. For all other youth, appropriate law enforcement agency refers to the local police agency having jurisdiction where the abuse is alleged to have taken place.

Neglect means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm, or mental injury to the child or a substantial risk of mental injury.

Program Director means the chief administrator of a purchase of care, purchase of services, or non-DJJ publicly operated program which provides services to DJJ youth.

Reporter means that person making the report of abuse or neglect.

Sexual Abuse means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, and includes incest, rape, sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

IV. PROCEDURES:

A. *Reporting Suspected Child Abuse or Neglect*

1. Any employee who has reason to suspect that a child has been abused or neglected shall immediately notify the local Department of Social Services (DSS) for suspected neglect or the appropriate law enforcement agency for suspected abuse. The reporter shall immediately notify the administrator/program director or his/her designee orally and then on the prenumbered Initial Report Form (.01.13), sections A-C. If the administrator/program director or his/her designee is not physically present to receive the oral or written report, the employee shall immediately complete the report and insure the administrator/program director or his/her designee receives it by the next working shift. If the administrator/program director is the suspected individual, the Inspector General at DJJ Headquarters shall be notified consistent with the oral and written reporting requirements outlined in this section.

2. The initial oral and written report made to the appropriate administrator/program director shall include, at a minimum:
 - (a) Date and time of suspected incident,
 - (b) The name, age, and if known, last known home address of the child,
 - (c) The child's current location and status,
 - (d) The name and home address of the child's parent(s) or other family member/guardian responsible for the child's care,
 - (e) The nature and extent of the abuse or neglect, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect, and
 - (f) Any other information that would be helpful to determine:
 - (1) The causes of the suspected abuse or neglect; and
 - (2) The identity of the suspected person(s) responsible for the alleged abuse or neglect.
3. If a parent or guardian who suspects that a child has been abused or neglected while directly under the care of a DJJ operated, non-DJJ publicly operated, or purchase of care/services program, reports his/her concerns to the administrator/program director in writing or orally, the administrator/program director shall immediately forward the report to the appropriate authorities. Following the investigation, a full, written report of the case findings shall be made available to those filing the report. Names of any DJJ employees involved shall be kept confidential in any report sent to a parent or guardian.
4. Immediately after the acceptance of the oral and written report, the administrator/program director or his/her designee shall:
 - (a) Confirm orally that the appropriate Law Enforcement Agency has been notified, in cases of suspected child abuse, or
 - (b) Confirm orally that the DSS has been notified, in cases of suspected neglect,
 - (c) Complete Section D of the Initial Report Form, and
 - (d) Distribute the completed "Suspected Abuse/Neglect Initial Report Form" (01.13) as follows:
 - (1) One copy to person who completed parts A, B and C of the form.
 - (2) Original is filed by administrator/program director or his/her designee with the appropriate authorities, and a copy kept by the administrator/program director.
5. The initial report to Law Enforcement or DSS, by telephone or direct communication, shall include, at a minimum, the same information listed in section IV.A.2 above.

6. No later than twenty-four hours after the contact, examination, attention, or treatment that caused the reporter to believe the child had been subjected to child abuse or neglect, the administrator/program director or his/her designee and the employee who initially reported the possible abuse or neglect shall send a written report on Form .01.13 to:
 - (a) The following agencies/persons in the case of suspected child abuse:
 - (1) The appropriate Law Enforcement agency,
 - (2) The local Department of Social Services,
 - (3) The DJJ Inspector General,
 - (4) The local States Attorney's Office,
 - (5) The appropriate Area Director, if purchase of care, purchase of services or non-DJJ publicly operated programs are involved, and
 - (6) The appropriate Assistant Secretary.
 - (b) The following agencies/persons in the case of suspected neglect:
 - (1) The local Department of Social Services,
 - (2) The DJJ Inspector General.
 - (3) The appropriate Assistant Secretary, and
 - (4) The appropriate Area Director, if purchase of care, purchase of services, or non-DJJ publicly operated programs are involved.
7. The report shall be written on Form .01.13 with appropriate information attached, and shall include:
 - (a) All material listed in IV.A.2. (a)-(d) and (f),
 - (b) The nature and extent of the alleged abuse or neglect,
 - (c) Any evidence or information available to the administrator/program director or his/her designee concerning possible previous instances of abuse or neglect,
 - (d) Copies of all pertinent documents, such as incident reports, log book entries, medical reports, etc.
- B. *Immediate Protective Action:* The administrator/program director or his/her designee, upon being notified of suspected child abuse or neglect, and after confirming orally that the appropriate Law Enforcement Agency or DSS has been notified per IV. A.4., shall initiate the following:

1. Immediately contact a medical facility, assign a staff member to accompany the child to the medical facility or other appropriate medical resources as soon as possible, and ensure that no evidence is destroyed (e.g., a shower may not be taken by a child victim of sexual abuse). Before obtaining medical services (except in life threatening situations), contact law enforcement or DSS (refer to IV.A.6). The purpose of the visit is to obtain an assessment of the physical condition of the child.
2. Immediately take appropriate action to ensure that no further abuse or neglect occurs.
3. Next, contact the child's parent(s) or guardian, Case Manager, and the court. The purpose of the contact is to notify them of the child's whereabouts and medical status, especially if the child has to be taken to a medical center or physician for treatment.
4. When any employee is suspected of abuse or neglect, immediately take any necessary action, depending upon the seriousness of the charges, to ensure the health and safety of the child, to include either:
 - (a) The immediate suspension of suspected employee(s), or
 - (b) The transfer of the suspected employee(s) to other duties or administrative leave pending completion of the investigation by Law Enforcement authorities, DSS, and DJJ.

For DJJ operated programs:

- (1) Within twenty-four hours after the suspected employee is transferred, the administrator shall inform the suspected employee in writing as to the reason for this decision. The written notification shall protect the anonymity of the reporter or any other person whose life or safety is likely to be endangered.
 - (2) At any time the administrator may change this decision, provided the rationale for such a change is documented in writing.
 - (3) The administrator shall take appropriate steps to ensure the anonymity and safety of the person making the report.
 5. Out of state providers shall be held to the same reporting standards and corrective action. The only exception shall be where DJJ policies are in direct conflict with resident state laws. If there is a conflict, the law with the greater degree of responsibility shall be followed.
- C. *Cooperation with Investigating Agencies and DJJ Inspector General:* DJJ employees reporting or receiving reports of suspected abuse or neglect shall cooperate with DSS and Law Enforcement personnel investigating the report, and the DJJ Inspector General. In this context, cooperation shall include:
1. Sharing with authorized DSS or Law Enforcement personnel otherwise confidential materials and information on the case.
 2. Responding promptly to requests for additional information.

3. Securing and transmitting to DSS or Law Enforcement personnel information required for the investigation from other agencies or other sources (e.g., medical records).
4. Testifying in court. DJJ employees assisting in an investigation or who are required to testify in court shall be permitted to do so without loss of pay or benefits.

D. *DJJ Investigation of DJJ Employees*

1. Immediately upon being notified of the alleged child abuse or neglect, the DJJ Inspector General shall undertake an investigation to determine whether any DJJ policies, procedures, rules, or regulations have been violated by the suspected employee regarding the alleged child abuse or neglect.
2. If the investigation results in a finding that a violation of policy, procedures, rules, or regulations has occurred, appropriate disciplinary action shall be taken in accordance with Department of Budget and Management and DJJ personnel policies. Such disciplinary action shall *begin* not later than five working days after the close of the suspected employee's shift following the alleged infraction or not later than five working days after the administrator acquires knowledge of the alleged infraction.
3. Completion of the Law Enforcement or DSS investigation may result in findings which demonstrate to the administrator that a State or Federal law has been violated. Based on this new information, and the receipt of report, the administrator shall take appropriate disciplinary action. Such disciplinary action:
 - (a) Shall begin as soon as possible but not later than five working days after the administrator acquires knowledge of the new information.
 - (b) Shall be consistent with Department of Budget and Management and DJJ personnel policies.
4. Within five working days after the close of the employee's shift following the alleged infraction, the administrator shall issue a written decision to the employee advising him or her of any disciplinary action against the employee, any transfer or reassignment of the employee, any exoneration of the employee, or a decision to take no action.
5. The personnel file may not contain any information concerning a suspected employee's violation. This information shall be kept in a separate, secure file. Only when those allegations are substantiated, and disciplinary action is taken, shall documentation of the disciplinary action be placed in the employee's personnel file.
6. If the suspected employee disagrees with the DJJ investigation report, the administrator's decision, or any other aspects of DJJ's involvement in the review of the case, the employee may grieve in accordance with Department of Budget and Management regulations.

- E. *Immunity from Intimidation:* No employee may be prevented from filing a report of suspected abuse or neglect. Detrimental action may not be taken against anyone filing a good faith report of suspected abuse or neglect.

F. *Immunity from Prosecution:* Any person who in good faith makes or participates in making a report of abuse or neglect under §§ 5-704 or 5-705 of the Family Law Article, or participates in an investigation or a resulting judicial proceeding, is protected from civil liability or criminal penalty.

G. *Reports*

1. A copy of all DJJ and other agency reports, substantiated findings and actions shall be placed in the child's permanent case file. Names of suspected employees found not to have violated the law, or DJJ policies, rules, procedures, and regulations shall not be included in this file.
2. Reports, correspondence, and other information verifying neglect/abuse by DJJ employees shall be maintained in locked files both at the facility/office and in the Inspector General's office at DJJ Headquarters. Whenever disciplinary action occurs as a result of the investigation, the information shall become part of the employee's personnel file.
3. Reports, correspondence, and other information on investigations shall be maintained in locked files in the Inspector General's office for a period of five years from the completion of the DJJ, DSS, State's Attorney, or police investigation, whichever is completed last. Such information shall then be destroyed.

H. *Adherence to Other Policies:* Where applicable, the reporting requirements of the DJJ “On Call Administrator Policy” (01.01.14) and the Public Information Office's policy, “Relationships with Public, Media, and Other Agencies” (01.01.11), shall be followed.

DEPARTMENT OF JUVENILE JUSTICE
SUSPECTED ABUSE/NEGLECT
INITIAL REPORT

A. ALLEGED INCIDENT:

REPORT DATE: _____

DATE/TIME: _____

NAME OF YOUTH: _____ AGE: _____

HOME ADDRESS (if known): _____

YOUTH'S CURRENT LOCATION/STATUS: _____

YOUTH'S PARENT'S/GUARDIAN'S NAME: _____

ADDRESS: _____

PHONE #: _____

RELATIONSHIP: _____

NATURE/CIRCUMSTANCE OF ABUSE/NEGLECT: _____

SUSPECTED INDIVIDUAL: _____

CAUSES/REASONS FOR SUSPECTED ABUSE/NEGLECT: _____

B. REPORT TO MANAGEMENT:

PERSON MAKING REPORT: _____

NAME

SIGNATURE

REPORTED TO: _____ TIME: _____

C. REPORT TO APPROPRIATE AGENCY:

POLICE/DSS NOTIFIED (AGENCY NAME AND PERSON CONTACTED):

DATE: _____ TIME: _____ PHONE #: _____

PERSON CONTACTING POLICE/DSS:

NAME

SIGNATURE

D. COPY OF COMPLETED FORM GIVEN TO PERSON MAKING REPORT:

DATE: _____ TIME: _____ PHONE #: _____

PERSON CONFIRMING POLICE/DSS CONTACT:

NAME

SIGNATURE

Appendix 3

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: Residential and Field Services

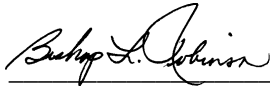
Policy Number: .02.09.13

Subject: Use of Force

Effective Date: 2/18/2000

(Supercedes and rescinds all prior use of force policies, including policy N^o .09.13F)

Approved: _____



Review Cycle: 1 Year

I. POLICY: The Department of Juvenile Justice is committed to providing a safe and secure environment both for its staff and for youth in its care and custody. The Department also recognizes its responsibility to protect community safety by preventing escapes from its facilities. Physical force may only be used to prevent injury to oneself or others, and then only as a last resort. Every use of force incident must be documented and reviewed by appropriate supervisors. Physical force may never be used as a form of punishment.

II. AUTHORITY: Annotated Code of Maryland, Article 83C, §§ 2-104 and 2-118; COMAR 16.05.02.

III. DEFINITIONS: In this policy, the following terms have the meanings indicated:

Escape from confinement means an escape from a juvenile detention center or a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code.

Restraint means a mechanical device or a chemical agent which, when used, limits movement of a youth's body or temporarily disables the youth.

Use of Force means physical contact with a youth to control behavior. Use of force includes use of restraint.

IV. PROCEDURES FOR RESIDENTIAL SERVICES STAFF

A. Use of force is only authorized when necessary, there is imminent danger, and when other lesser alternatives are not suitable or reasonably sufficient.

1. Staff shall utilize the following levels of intervention prior to any use of force:

- a. Attempt to change negative behavior through non-verbal gestures or other signals.
- b. Seek to verbally de-escalate the situation in a polite and cordial manner.
- c. Attempt to verbally de-escalate the situation in a firm manner, using stronger voice levels and gestures.
- d. If possible, a brief (ten to fifteen minute) time out separating a youth from contact with other youth. A time out need not involve room seclusion, only removal from a conflict situation.

2. When necessary, staff shall obtain the assistance of other staff and supervisors. Time permitting, the supervisor or other appropriate staff member shall assess the situation and attempt to reason with the youth. Other staff who may be called to attempt to reason with the youth include medical, social work, or mental health professionals.

3. In order to minimize the risk of injury to both youth and staff, whenever possible a sufficient number of Youth Supervisors shall be employed for any use of force.
- B. Use of force by staff is permitted only:
1. To protect the youth from harming himself or herself or others;
 2. For self defense;
 3. To prevent an escape from confinement;
 4. To prevent serious property damage;
 5. To prevent the commission of a crime; or
 6. To remove a youth from an area where he or she is creating a serious disruption.
- C. When it is necessary to use force, only the minimum amount of physical force necessary to control the youth may be used.
1. The use of a firearm or other deadly force is strictly prohibited.
 2. Physical force may never be used as a form of punishment.
- D. A facility or transportation employee may apply a restraint to a youth only for:
1. The protection of the youth or other individuals;
 2. For self defense;
 3. Secure transportation; or
 4. The prevention of escape from confinement.
- E. All incidents involving the use of force shall, immediately after the incident, be reported to the facility health professional who shall promptly examine the youth. Appropriate medical attention shall be provided without delay.
- F. If physical force of any kind is used, staff shall immediately notify his or her supervisor and, before the end of the employee's shift, provide the Superintendent with a signed and dated, "Use of Force Report" (Attachment "A") which details:
1. The behavior of the youth and how it presented an imminent danger to the youth, other youth, staff, or the security of the facility;

2. The alternatives which were attempted or an explanation of why alternatives were not reasonably available;
 3. The exact nature of the force used and why it was the minimum amount of force necessary;
 4. Any injuries sustained by anyone involved and the medical attention sought for those injuries
 5. All youth, staff, or other persons who were involved in or witnesses to the use of force; and
 6. The date, time, and exact location of the incident.
- G. Every use of force shall be recorded in the appropriate facility and unit logbooks, and a copy of the Use of Force Report shall be placed in the youth's base and unit files. Copies of the Use of Force Report shall also promptly be sent to the Assistant Secretary for Residential Services and the Inspector General.
- H. Any employee having knowledge of an unreported use of force shall immediately report that information to the Superintendent.
- I. Whenever there is reasonable cause to believe that inappropriate or excessive force was used, the incident shall be fully investigated by the Inspector General and, if appropriate, reported to the appropriate law enforcement authorities pursuant to the Department's Child Abuse Reporting Policy.
- J. The use of inappropriate or excessive force may be grounds for termination of employment.
- K. Each facility shall develop written facility specific procedures for the use of force, and provide copies of that policy to each employee. Facility policies shall be subject to prior approval by the Deputy Secretary.
- L. Whenever physical force is used the youth's parents or guardian shall be promptly notified.

V. PROCEDURES FOR FIELD SERVICES STAFF:

- A. Employees should anticipate the need for the use of force and attempt to avoid those situations.
- B. When the need for restraint is anticipated, assistance from law enforcement or DJJ transportation officers should be arranged. Restraint may never be used as punishment.
- C. When a youth under the supervision of the Department becomes violent in the presence of a member of the Field staff, that employee shall:
1. Seek assistance from law enforcement authorities if possible.
 2. If law enforcement authorities are unavailable and the youth presents an imminent danger of harming his or her self or others, or causing serious property damage, seek the assistance of other Field staff.
 3. Ensure that only the minimum force necessary to prevent personal injury or serious property damage is used, and only for the minimum time necessary to prevent personal injury or significant property damage.

4. Seek immediate medical treatment for injuries sustained by any youth or staff.
5. If physical force of any kind is used, immediately notify his or her supervisor and, before the end of the work day, provide the Area Director with a signed and dated, "Use of Force Report" which details:
 - a. The behavior of the youth and how it presented an imminent danger to the youth, other youth, staff, or the public;
 - b. The alternatives which were attempted or an explanation of why alternatives were not reasonably available;
 - c. Efforts made to contact law enforcement authorities or other members of the Field staff;
 - d. The exact nature of the force used and why it was the minimum amount of force necessary;
 - e. Any injuries sustained by anyone involved and the medical attention sought for those injuries;
 - f. All youth, staff, or other persons who were involved in or witnesses to the use of force; and
 - g. The date, time, and exact location of the incident.
- D. Copies of the Use of Force Report shall also promptly be sent to the Assistant Secretary for Field Services and the Inspector General.
- E. Any employee having knowledge of an unreported use of force shall immediately report that information to the Area Director.
- F. Whenever there is reasonable cause to believe that inappropriate force was used, the incident shall be fully investigated by the Inspector General and, if appropriate, reported to the appropriate law enforcement authorities pursuant to the Department's Child Abuse Reporting Policy.
- G. The use of inappropriate or excessive force may be grounds for termination of employment.
- H. When a member of the Field staff is transporting a child and the child attempts to run away, or indicates his or her intention to run away, the Field staff member shall:
 1. Attempt to verbally dissuade the child from running.
 2. Use force only if necessary to protect the child or others from imminent danger.
 3. Immediately report a runaway to the appropriate law enforcement authority.
- I. Whenever physical force is used the youth's parents or guardian shall be promptly notified.

USE OF FORCE REPORT

Date and Time of Incident: _____

Location: _____

Juvenile(s) involved: _____

Staff involved: _____

Other Witnesses: _____

Description of Incident:

Law Enforcement Contacted? YES NO

Description of De-escalation Efforts Made:

Type of Restraint or Seclusion Used:

Reason Restraint or Seclusion Necessary:

Approval for Restraint Given By: _____
Title: _____ Date: _____

Parent/Guardian Notified By: _____
Name of Parent/Guardian Notified: _____ Date/Time: _____

Injuries Sustained by Juvenile(s):
Name: _____ Injury Sustained: _____

Injuries Sustained by Staff:
Name: _____ Injury Sustained: _____

Name of Facility Health Professional Notified: _____

Date and Time of Notification: _____

Medical Treatment Received by Juvenile: _____

Medical Treatment Received by Staff: _____

Form Completed By: _____
Print Name Date

Signature

copies of completed form are to be given to:

Superintendent
Deputy Secretary
Assistant Secretary
Inspector General
Area Director (if applicable)
Immediate Supervisor of Staff Involved
Health Administrator
Youth's Base and Unit Files

Appendix 4

JUVENILES RIGHTS

MARYLAND DEPARTMENT OF JUVENILE SERVICES

Subject: Grievance Procedure Child Advocacy

UNIT OR AREA: DJS Residential Facilities

APPLICABLE To: All Personnel

REF: ACA: 2-9276

POLICY NUMBER: 01.13.04

EFFECTIVE DATE: July 6, 1990

APPROVED: _____

Linda D'Amario Rossi, Secretary

- I. POLICY: It is the policy of the Department of Juvenile Services to provide youth in its residential facilities with a means to express their dissatisfaction with individual actions or policy issues. In detention centers, youth centers, the Maryland Youth Residence Center, and the DJS Group Homes, this would include disciplinary decisions, and at the Charles N. Hickey, Jr. School this would include appeals of the Superintendent's decision, as permitted in section IV. G. of the Disciplinary Hearings Policy (03.14.03). These complaints shall be submitted through a process of systematic and orderly steps which has been designed to provide these youth with due process and timely responses to their grievances.
- II. AUTHORITY: Article 83G. Sections 2-102, .2-111, 2-117, and 2-118 of the Annotated Code of Maryland.
- III. DEFINITIONS: As used in this policy, the following definitions shall apply:

Child Advocate: Means an individual who works on the behalf of youths under Department of Juvenile Services (DJS) jurisdiction to see that their needs are met and their rights upheld through the operations of the Department.

Grievance: Means a complaint due to a circumstance or action considered to be unjust.

Grievance Forms: Means the form(s) required to be completed and filed in order to initiate a grievance.

Secretary: Means the Secretary of the Department of Juvenile Services or the Secretary's designee.

DISTRIBUTION:

~ EXECUTIVE STAFF

~ CENTRAL OFFICE STAFF

~ FIELD SERVICES STAFF

~ COMMUNITY SERVICES STAFF

~ INSTITUTIONAL SERVICES STAFF

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Superintendent: Means the chief administrative officer of any Department of Juvenile Services residential facility.

Working Day: Means every day excluding Saturday, Sunday and State Holidays.

Youth: Means generally, an individual under 18 years of age; also any individual, regardless of age, under the jurisdiction of the Department of Juvenile Services.

IV. PROCEDURES:

A. General

The Child Advocacy Grievance Procedure shall be an internal system to ensure that the rights of youth receiving care and services from the Department of Juvenile Services are fully protected.

B. Objectives of the Procedure:

1. To protect the rights of youth in all Department of Juvenile Services residential facilities.
2. To ensure the fair treatment of youth.
3. To protect the reputation of staff members from unwarranted charges and complaints.
4. To ensure that legitimate youth complaints can be resolved.

C. Role of Facility Staff:

1. The supervisor of the unit to which the youth is assigned shall ensure that the Child Advocacy Grievance Procedure is explained to all newly admitted youth.
2. All employees shall be familiar with the Child Advocacy Grievance Procedure in order to answer a youth's questions.

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3. All employees are expected to encourage youth to take part in the Child Advocacy Grievance Procedure if the youth expresses concern over individual actions or policy issues.
4. All employees at the facility shall assist youth who express a desire to initiate a grievance.
5. Employees shall never discourage or inhibit a youth's attempt to pursue the grievance procedure nor shall an employee ever- retaliate against youths who have used the procedure.
6. Child advocates shall ensure that grievance forms are available in each living unit and that youth have access to the grievance forms.

D. Role of Child Advocate:

1. The Child Advocate shall act as representative for the youth, and not as an attorney for the youth. Nothing in this policy shall be construed as meaning the Child Advocate offers legal representation to the youth.
2. The Child Advocate shall assist any youth who expresses a desire to initiate a grievance, in the completion of the grievance form.
3. Once a Child Advocate has been contacted concerning a grievance, the Child Advocate shall assist the youth until the problem has been resolved, even if the youth is transferred or released from the facility during the procedure.
4. The Secretary shall give the Child Advocate the authority and access needed to fulfill the Child Advocate's responsibilities.
5. The Child Advocate shall receive complaints, assemble the facts, and attempt to resolve complaints, reporting directly to the Secretary or his/her designee.

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6. The Child Advocate shall prepare written reports for each grievance on Form DJS (I)13.04. These reports shall include the complaint and a summary of evidence presented to the Child Advocate about the complaint.
7. In preparing the report, the Child Advocate shall identify possible violations of the Department of Juvenile Services policies and regulations.
8. The Child Advocate may be a witness In a Department proceeding against a staff member if the Child Advocate is a first-hand witness to the events being investigated.
9. The Secretary shall appoint a substitute Child Advocate when a grievance is filed against the Child Advocate.
10. The Secretary or designee shall decide jurisdiction in cases of overlapping responsibility.

E. Grievance Procedures:

1. Initiation of Grievance:

- (a) A youth may initiate a grievance by contacting the Child Advocate or requesting that a staff member contact the Child Advocate.
- (b) Staff members who are informed of a grievance by a youth, shall notify the Child Advocate as soon as possible, but no later than the beginning of the Child Advocate's next working day.
- (c) Employees at the facility shall provide a grievance form to any youth Immediately upon request.
- (d) A youth who wishes to initiate a grievance may provide the Child Advocate with that grievance in writing. If the youth needs help in preparing the grievance, the Child Advocate shall assist the youth.

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- (e) The grievance procedure shall be initiated within five (5) working days of the action or incident involved, unless the youth demonstrates to the satisfaction of the Child Advocate that a time extension is necessary.

2. Grievance Procedure Response:

- (a) Step 1- Meet with the youth:

The Child Advocate shall respond to the grievance by meeting with the youth within three (3) working days of the filing of the grievance, to obtain the facts and attempt a prompt resolution.

- (b) Step 2 - Investigation and Mediation:

If the Child Advocate is unsuccessful at resolving the grievance at Step 1, the Child Advocate shall contact all parties involved in the grievance within five (5) working days of meeting with the youth, and again shall attempt to resolve the grievance.

- (c) Step 3 - Conference of All Parties:

- (1) If the grievance is not resolved, the Superintendent shall hold a conference of all parties involved.
- (2) The Child Advocate shall coordinate the scheduling of the conference and shall give notice of it to persons associated with the grievance.
- (3) The Conference shall take place within three (3) working days after the Child Advocate has notified the Superintendent or designee.
- (4) After hearing all parties, the Superintendent shall render a written decision within three (3) working days.

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- (5) If the youth's grievance is against the Superintendent, the Secretary shall hold the conference within five (5) working days after the Child Advocate has notified the Secretary.
- (6) If the Superintendent fails to hold the conference within three (3) working days, the Child Advocate shall forward the grievance directly to the Secretary for review and decision.
- (d) Step 4 - Appeal to the Secretary of the Department of Juvenile Services:
 - (1) Within three (3) working days after receiving a request for an appeal from the youth, the Child Advocate shall submit the case in writing to the Secretary.
 - (2) The appeal shall consist of a review of the documents submitted. The Secretary may request additional information from anyone involved with the grievance.
 - (3) The Secretary shall file a written decision on the appeal within ten (10) working days.
 - (4) The decision at Step 4 shall be final and binding on all parties to the grievance.

F. Attorney:

- 1. A youth may seek legal counsel. An attorney may represent a youth at any stage of this grievance procedure.
- 2. The Department of Juvenile Services shall not provide an attorney for the youth.
- 3. If a youth retains an attorney for individual representation, the Child Advocate shall no longer be involved in the case.

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G. Other Remedies:

1. Nothing in this policy modifies either:
 - (a) The legal rights of a youth; or
 - (b) The youth's access to a court.
2. The grievance procedure may not:
 - (a) Offer an Administrative hearing; and
 - (b) Be governed by the contested case provisions of the Administrative Procedure Act.

DEPARTMENT OF JUVENILE SERVICES
STATE OF MARYLAND
CHILD ADVOCACY GRIEVANCE FORM

Date: _____

Name: _____
Unit: _____

Description of Complaint:

Result Desired:

Complaint Resolved as Follows:

_____	_____
_____	_____
_____	_____
Child Advocate Date Resolved	Residents Signature

Resolved at: Step 1() Step 2() Step 3() Step 4 ()

Appendix 5

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: **All DJJ Units and Facilities**

Policy Number: **01.01.23**

Subject: **Emergency and Critical Incident Reporting**

Effective Date:

(Rescinds policy dated 7/12/00)

Approved: _____



Review Cycle: 1 Year

I. POLICY

This policy sets forth the procedures of the Department of Juvenile Justice for reporting all emergency and critical incidents. All personnel employed in the Department of Juvenile Justice and all personnel employed in facilities and programs that are directly involved with the care and treatment of youth who are under the supervision of the Department of Juvenile Justice or are directly involved in facilities and programs licensed and/or certified by the Department are required to report emergency and critical incidents as defined by this policy.

II. AUTHORITY

- A. Annotated Code of Maryland, Article 83C, §§ 2-102; 2-104;
- B. Annotated Code of Maryland, Family Law Article, § 5-704;
- C. COMAR - 01.04.04 Residential Child Care Programs;
- D. COMAR - 16.04.05.04E Non-Residential Programs; and
- E. COMAR - 16.04.01.04B(7) Youth Services Bureaus.

III. DEFINITIONS

- A. *Department* means the Department of Juvenile Justice.
- B. *Program* means all residential and non-residential facilities and activities operated by the Department or a private or public vendor that are directly involved with the care and treatment of youth who are under the supervision of the Department or facilities or activities licensed and/or certified by the Department.

IV. PROCEDURES FOR PROGRAMS TO REPORT EMERGENCY INCIDENTS

- A. Each program shall have a written procedure for reporting incidents that is consistent with the Department's policy.

- B. The Department's Incident Reporting Form (DJJ-00-01 and 02) shall be used to collect and report information.
- C. The following procedures shall be used to report emergency incidents.
 - 1. Emergency incidents are events that result or may result in a major disruption to the program; that result or may result in significant harm to youth or staff while on duty; or that may have negative impact on the Department. Emergency incidents include, but are not limited to:
 - a. AWOLs involving two or more youth;
 - b. Any employee charged with criminal behavior, including DUI;
 - c. Death of a youth or life threatening injury or illness;
 - d. Death of a staff member;
 - e. Any escape from a facility designated by law as a place of confinement;
 - f. Illegal use or possession of firearms or other deadly weapon by a youth, staff, or other individual involved in a residential program, a non-residential contractual program, or a Department sponsored activity;
 - g. Physical or sexual child abuse or neglect or allegations of such in accordance with DJJ policy on abuse and neglect reporting, 01.01.13 and the Annotated Code of Maryland, Family Law Article, § 5-704;
 - h. A physical plant problem that renders a facility or any portion thereof uninhabitable or that poses a health/safety risk to youth and/or staff;
 - i. Riot or disturbance that results in bodily harm or property damage, or notification of police.
 - 2. Program staff shall within one (1) hour of the incident:
 - a. Verbally report the incident to:
 - i. The Assistant Secretary of Residential Services or the appropriate Area Director's Office between 8:00 a.m. and 5:00 p.m. weekdays;
 - ii. The On-Call Administrator between 5:01 p.m. and 7:59 a.m.

weekdays, all day Saturday, Sunday, declared State emergencies and holidays.

- iii. In the event of physical damage to a facility that poses a health/safety risk to youth and/or staff, the Director of Capital Planning and Facilities Maintenance 24 hours a day.
- b. Provide the name and phone number of a staff member who can provide immediate information regarding the incident.
- c. Notify as appropriate:
 - i. Department of Social Services;
 - ii. Parent or guardian;
 - iii. Juvenile Counselor;
 - iv. Program Administrator or designee.
 - v. Police
- d. Complete the Incident Reporting Form (DJJ-00-01 and 02).
- e. Submit the Department's Incident Reporting Form (DJJ-00-01 and 02) to the Program Administrator or designee for the purpose of:
 - i. reviewing and approving the Department's Incident Reporting Form (DJJ-00-01 and 02); and
 - ii. faxing it to the Investigation and Child Advocacy Unit (ICAU) at 410-333-4194.

V. PROCEDURES FOR ASSISTANT SECRETARY/AREA DIRECTOR

The Assistant Secretary of Residential Services or Area Director shall immediately report the emergency incident verbally to:

1. The On-Call Investigator in the Investigations and Child Advocacy Unit (ICAU);
2. The Deputy Secretary of Restorative Justice Operations or Deputy Secretary of Departmental Support, as appropriate; and

3. The Media Coordinator, if needed.

VI. PROCEDURES FOR THE DEPARTMENT'S ON-CALL ADMINISTRATOR

The On-Call Administrator shall immediately report the emergency incident verbally to:

1. The Assistant Secretary of Residential Services or the appropriate Area Director.
2. In the event the Assistant Secretary of Residential Services or appropriate Area Director is not available, the On-Call Administrator shall immediately verbally report the incident to:
 - a. The Deputy Secretary of Restorative Justice Operations. If the incident involves the physical plant, then the Deputy Secretary of Departmental Support and the Director of Capital Planning and Facilities Maintenance shall also be notified.
 - b. The On-Call Investigator in the Investigations and Child Advocacy Unit (ICAU); and
 - c. The Media Coordinator, if needed.
3. Record the call and any follow-up action in the log book.

VII. PROCEDURES FOR THE DEPUTY SECRETARY

The Deputy Secretary shall immediately notify the Secretary, if needed.

VIII. PROCEDURES FOR THE INVESTIGATIONS AND CHILD ADVOCACY UNIT (ICAU)

The Investigations and Child Advocacy Unit (ICAU) shall provide a copy of the Department's Incident Reporting Form (DJJ-00-01 and 02) to the Assistant Secretary of Residential Services or the appropriate Area Director within two (2) hours after receiving the incident report or by 9:00 a.m. the next business day.

IX. PROCEDURES FOR PROVIDERS TO REPORT CRITICAL INCIDENTS

- A. Critical incidents are events that have potential for disrupting the normal operations of any residential program or contractual non-residential program; that result or may result in harm to youth or staff while on duty; or that may have negative impact on the

Department. Critical incidents include, but are not limited to:

1. AWOL if youth is unlikely to return within two hours;
2. Admission to hospital of a youth or on-duty staff;
3. Arrest of a youth, or any time law enforcement officials come on grounds of the program for any incident, inquiry or allegation;
4. Community disturbance by youth that may result in the filing of official complaint to the Department;
5. Delinquent or criminal act by a youth that is likely to result in a staff member, the administration, or community member filing a formal complaint with police;
6. Suicide attempt, gesture or ideation;
7. Suspected illegal substance or paraphernalia discovered;
8. Youth or staff on duty requiring non routine off grounds medical care;
9. Any incident that may have the potential of attracting the attention of the community or the media.

B. Program staff shall within two (2) hours of the incident:

1. Notify as appropriate:
 - a. Department of Social Services;
 - b. Parent or guardian;
 - c. Juvenile Counselor;
 - d. Program Administrator or designee;
 - e. Police
2. Complete the Incident Reporting Form (DJJ-00-01 and 02).
3. Submit the Department's Incident Reporting Form (DJJ-00-01 and 02) to the Program Administrator or designee for the purpose of:

- a. reviewing and approving the Department's Incident Reporting Form (DJJ-00-01 and 02); and
- b. faxing it to the Investigations and Child Advocacy Unit (ICAU) at 410-333-4194.

X. PROCEDURES FOR THE ASSISTANT SECRETARY OF RESIDENTIAL SERVICES AND AREA DIRECTOR

The Assistant Secretary of Residential Services or Area Director shall notify the Deputy Secretary of Restorative Justice Operations and the Deputy Secretary of Departmental Support about significant critical incidents, as appropriate.

XI. PROCEDURES FOR THE DEPUTY SECRETARY

The Deputy Secretary shall notify the Secretary about significant critical incidents.

XII. PROCEDURES FOR THE INVESTIGATIONS AND CHILD ADVOCACY UNIT

The Investigations and Child Advocacy Unit (ICAU) shall provide a copy of the Department's Incident Reporting Form (DJJ-00-01 and 02) to the Assistant Secretary of Residential Services or the appropriate Area Director within two (2) hours after receiving the incident report or by 9:00 a.m. the next business day.

INCIDENT REPORT

Department of Juvenile Justice
Investigations and Child Advocacy Unit
Fax: 410-333-4194

ICAU TRACKING NUMBER: _____

Reporting Provider/Program: _____

Provider/Program Address: _____

Provider/Program Phone: _____

Time and Date of Incident: _____

Exact Location of Incident: _____

1. Type of Incident: (check all that apply)

Emergency Incident

- ☐ Any employee facing criminal charges
- ☐ AWOLS involving 2 or more youth
- ☐ Death of staff
- ☐ Death of youth/life threatening injury/illness
- ☐ Escapes from legally designated confinement facility
- ☐ Illegal use/possession of firearms/deadly weapons by youth/staff
- ☐ Physical/sexual child abuse/neglect
- ☐ Physical plant problem
- ☐ Riot/disturbance with bodily injury/property damage

Critical Incident

- ☐ Admission of youth/on-duty staff to hospital
- ☐ Any incident with potential for community/media attention
- ☐ Arrest of youth/law enforcement on grounds
- ☐ AWOL of youth if return unlikely in 2 hours
- ☐ Community disturbance by youth
- ☐ Delinquent/criminal act by youth causing complaint to be filed
- ☐ Suicide attempt/gesture/ideation
- ☐ Suspected illegal substance
- ☐ Youth/on-duty staff requiring non-routine off-grounds medical care

2. Did the Incident include any of the following factors:

Force/Weapon Used: ☐ Yes ☐ No

If Yes, Indicate type: _____

Staff Involved: 1) _____

2) _____

3) _____

Incident Witnessed: ☐ Yes ☐ No

If Yes, by whom: _____

Arrest Effectuated: ☐ Yes ☐ No

If Yes, by whom: _____ ☐ On grounds ☐ Off grounds

☐ Youth injured ☐ Youth sick ☐ Staff injured ☐ Staff sick

☐ Treated at scene ☐ Transported ☐ Hospitalized EMS# _____

Nature of injury: _____ Where: _____

3. Information about any youth involved:

Full Name	DOB	Admit Date	Admit Offense	Co./ City	Case Manager

Did youth make a statement: ☐ Yes ☐ No ☐ Oral ☐ Written

If yes, explain or attach statement: _____

4. Notification of Police, DSS, and Parent/Guardian

	Name	Phone	Date	Time
Police:				
EMS:				
DSS:				
P/G:				

INCIDENT REPORT
Supplemental/Continuation Sheet
ICAU TRACKING NUMBER_____

	Date	Time	How Notified	Who Notified
Superintendent/ Administrator:				
Asst. Sec./ On-Call Adm:				
ICAU::				

_____ Print Name	_____ Signature	_____ Date
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Incident Report sent to Investigations and Child Advocacy Unit via facsimile:

By whom: _____

Notifications: ☐ P.I.O. ☐ Assistant Secretary/Area Director
☐ Deputy Secretary ☐ Secretary

Incident Code: Follow up action: ☐ Yes ☐ No
 Status: ☐ Open ☐ Closed

Action taken/Narrative:

Provide a detailed explanation of the incident. As a guide to capturing the pertinent facts, answer the following questions: who, what, where, when, why and how.